THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

Writ Petition No.15865 of 2005

Dated 02-08-2005

Between:

Bandari Das, S/o Sattaiah,

Aged about 64 years; Occ:Ex-Sarpanch,

Ghatkesar Gram Panchayat, Ghatkesar Mandal,

Ranga Reddy District.

.. Petitioner.

And

The State of Andhra Pradesh, rep. by its

Secretary to Panchayat Raj Department,

Secretariat, Hyderabad and others. ..Respondents.

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Writ Petition No.15865 of 2005

ORDER:

The writ petition is filed to issue Writ of Certiorari after calling for the records relating to and connected with the proceedings No.B2/3862/2004 dated 06-07-2005 of the third respondent and to quash the same by declaring it as illegal, arbitrary, violative of principles of natural justice and also violative of provisions of the A.P.Panchayat

Raj Act, 1994 and Rules made thereunder and also violative of Article 21 of the Constitution of India.

Heard both the learned counsel.

The learned Government Pleader, under instructions, submitted that powers of Commissioner were delegated to the District Collectors under Sub Section (1) of Section 265 of A.P. Panchayat Raj Act, 1994 vide proceedings No.29694/D2/97, dated 18-12-1998.

The petitioner has alternative remedy of appeal against the order impugned under Section 265(3) of A.P. Panchayat Raj Act, 1994 by approaching the Government. Since the petitioner filed the present writ petition instead of availing the remedy of appeal, writ petition is not maintainable.

Having regard to the above, Writ Petition is dismissed. However, it is open to the petitioner to avail the remedy of appeal.

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E.DHARMA RAO, J.

2nd August, 2005.

skmr